

IN THE CLAIMS:

The text of all pending claims, (including withdrawn claims) is set forth below. Cancelled and not entered claims are indicated with claim number and status only. The claims as listed below show added text with underlining and deleted text with ~~strikethrough~~. The status of each claim is indicated with one of (original), (currently amended), (cancelled), (withdrawn), (new), (previously presented), or (not entered).

Please CANCEL claim 12 and AMEND claims 10, 11 and 13 in accordance with the following:

1. (CANCELLED)

2. (CANCELLED)

3. (CANCELLED)

4. (CANCELLED)

5. (CANCELLED)

6. (CANCELLED)

7. (CANCELLED)

8. (CANCELLED)

9. (CANCELLED)

10. (CURRENTLY AMENDED) A fuel cell comprised of a solid electrolyte layer sandwiched by a cathode layer and an anode layer to which a mixed gas of a fuel gas and air mixed together is supplied, wherein:

the fuel cell is formed into a folded member comprised of a single cell layer comprised of the cathode layer, the solid electrolyte layer, and the anode layer, stacked together, or a multilayer member comprised of a plurality of the single cell layers, stacked together and folded back and forth,

facing surfaces of the adjoining strata of the single cell layer or the multilayer member₁ of the folded member₁ are both formed by cathode layers or by anode layers, and

the cathode layer and the anode layer₁ or facing surfaces of the adjoining strata of the single cell layer or the multilayer member₁ have spacer members forming a gas passage therebetween enabling passage therethrough of the mixed gas₁ ~~formed between them.~~

11. (CURRENTLY AMENDED) A fuel cell as set forth in claim 10, wherein each of ~~said~~ the cathode layer and the anode layer is formed as a porous layer enabling passage therethrough of said mixed gas.

12. (CANCELLED)

13. (CURRENTLY AMENDED) A fuel cell as set forth in claim 10, wherein facing surfaces of the adjoining strata of the single cell layer or of the multilayer member ~~are have~~ provided between them ~~with a porous member formed porously so as to enable~~ enabling passage therethrough of said mixed gas.